

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

CASE NO. 8:06-CR-464-T-17TGW

TRINIDAD MARQUEZ HAMILTON.

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ORDER

This cause is before the Court on:

Dkt. 528	Order Directing Response on Retroactive Application of Crack Cocaine Amendment
Dkt. 553	Response
Dkt. 554	Response
Dkt. 555	Order
Dkt. 556	Order Denying Sentence Modification
Dkt. 669	Stipulation
Dkt. 670	Order Reducing Sentence
Dkt. 733	Motion for Retroactive Application of Sentencing Guidelines Pursuant to Amendment 782
Dkt. 761	Amendment 782 Memorandum
Dkt. 846	Notice of Federal Defender

Defendant Trinidad Marquez Hamilton, *pro se*, moves for a 2-level reduction pursuant to Amendment 782.

Defendant Hamilton entered into a Plea Agreement, pleading guilty to Counts 1 and 5 of the Indictment. (Dkt. 215). Defendant Hamilton was sentenced on Counts 1 and 5 on September 26, 2007 to a term of imprisonment of 235 months on Count 1, concurrent, and to a term of imprisonment of 120 months on Count 5, consecutive; to a term of supervised release of 60 months on Counts 1 and 5, concurrent; fine waived, and a special assessment fee of \$200.00. (Dkts. 346, 350). Counts 2, 3 and 4 were dismissed on the Government's Motion. The Court granted the Government's 5K1.1 Motion for a 2-level reduction at sentencing, and denied Defendant's Motion for a downward departure to 180 months.

Pursuant to a Stipulation, Defendant's term of imprisonment on Count 1 was reduced to 210 months imprisonment, with the term of imprisonment on Count 5 remaining

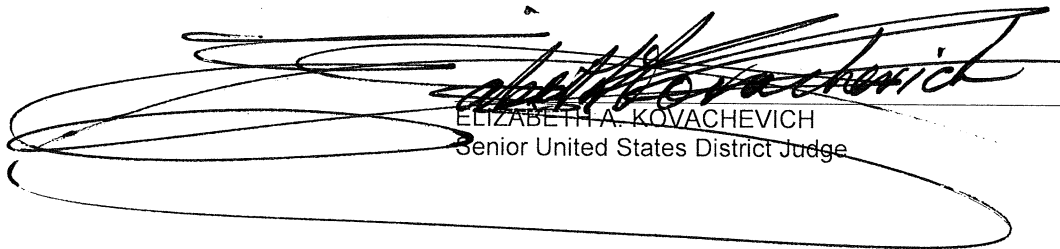
consecutive. (Dkt. 670).

The Amendment 782 Memorandum indicates that if the 2-level reduction under Amendment 782 were applied, the Career Offender guideline then be higher and render Defendant Hamilton ineligible for a sentence reduction. At the time of sentencing, the Total Offense Level under the applicable drug guideline was higher.

After consideration, the Court denies Defendant Hamilton's Motion for Retroactive Application of Sentencing Guidelines Pursuant to Amendment 782. Accordingly, it is

ORDERED that *pro se* Defendant Trinidad Marquez Hamilton's Motion for Retroactive Application of Sentencing Guidelines Pursuant to Amendment 782 (Dkt. 733) is **denied**.

DONE and ORDERED in Chambers in Tampa, Florida on this 5th day of November, 2019.


ELIZABETH A. KOVACHEVICH
Senior United States District Judge

Copies to:

All parties and counsel of record

Pro Se Defendant:

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